

# DEFENDANT'S EXHIBIT 4

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

BARBARA A. PLANCK	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No 2:06-CV-543-MHT
	)	
ROBERT GATES, Secretary,	)	
The Department of Defense,	)	
Defendant	)	

**DECLARATION**

I, Charles J. Miller, wish to execute the following statement:

I am currently employed as the Director of Equal Employment Opportunity (EEO) for the Defense Contracts Management Agency Headquarters located at 6350 Walker Lane in Alexandria, Virginia 22310-3241. I have been in this position continuously from July 31, 2000. My responsibilities include, but are not limited to, tracking any and all formal and informal EEO complaints as well as appeals of Final Agency Decisions of any Formal Complaints filed at DCMA Headquarters or any field office of DCMA anywhere in the world. Those formal, informal, Final Agency Decisions and Complaints to the Office of Federal Operations of the Equal Employment Opportunity Commission are recorded in the DCMA EEO tracking database called "iComplaints."

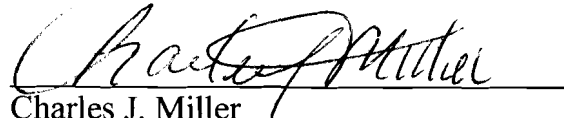
As the Staff Director, I am aware that former DCMA employee named Barbara A. Planck filed two, and to the best of my knowledge, only two, EEO Complaints while employed with DCMA.

The first complaint is Agency Number XL-01-018. In that complaint, Ms. Planck, a Management Assistant, GS-0344-06 at DCMA APMO, at Ozark, Alabama at the time of the complaint, alleged that she was discriminated against because of her race (Caucasian), age (date of birth 1/9/54) and sex (female) because of actions taken by DoD Personnel who were involved in the processing of her Permanent Change of Station (PCS) move from DCMA Detroit – General Dynamics, Lima, Ohio to DCMC APMO at Dothan, Alabama. The Complainant later added reprisal concerning a nonselection issue. Ms. Planck filed this as a formal EEO Complaint on 23 April 2001. DCMA signed out a Final Agency Decision (FAD) on March 9, 2004, finding no discrimination. DCMA has no record of the complainant filing an appeal with the EEOC's Office of Federal Operations on complaint XL-01-018.

The second EEO complaint filed by Ms. Barbara Planck was Agency Number XL-02-016. That case was filed as a formal EEO complaint on or about March 5, 2002, alleging that she was illegally discriminated against because of her race (Caucasian), color (Black), age (DOB 1/9/54) sex (Female), and reprisal (filing a previous EEO complaint XL-01-018) when, on or about September 5, 2001, she became aware she did not receive a performance award for the rating period of January 1, 2000 to December 31, 2000. A Final Agency Decision (FAD) was signed out of DCMA Headquarters on September 30, 2005. Ms. Planck appealed this FAD to the Office of Federal Operations (OFO). OFO issued a decision affirming the finding no discrimination on March 31, 2006.

Pursuant to Title 28, United States Code, § 1746, I declare under penalty of perjury that the foregoing, as well as the contents of the attached statement dated June 14, 2004, are true and correct.

Executed on this 18<sup>th</sup> day of January, 2007.



Charles J. Miller  
Director, Equal Employment Opportunity  
DCMA-DSO

Harry C. Gensmer, Jr.  
Harry C. Gensmer  
Commission Expires 31 October 2008.  
State: Virginia court of: Fairfax

